UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,574	10/11/2000	Jack Lau	4522/8	4748

29858	7590	04/07/2005

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EXAMINER
OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/686,574	LAU ET AL.
	Examiner	Art Unit	
	Michael N. Opsasnick	2655	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 October 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>5-40,48-55 and 59-64</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>5-40,48-55 and 59-64</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

     1.☐ Certified copies of the priority documents have been received.

     2.☐ Certified copies of the priority documents have been received in Application No. _____.

     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>3/7/02</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 5-40,48-55,59-64 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fiedler (6804638).

As per claims 5,6,17,22,61-64, Fiedler (6804638) teaches a method for storing

sets of digital signals in a compressed format in a computer disc storage device

representing audio segments (as storing audio segments → col. 4 lines 19-30; onto a hard

drive → col. 3 lines 1-7) comprising:

"storing one or more....storage device" as storing the captured data (col. 7 lines

23-30);

"retrieving an uncompressed.......device....and compressing....digital signals" as

retrieving stored data an compressing (col. 7 lines 42-47);

"storing the compressed......signals have been compressed" as re-storing the

compressed data for the purpose of creating more memory space for the newly recorded

uncompressed data (col. 7 lines 34-40);

As per claims 7-9,15,16, Fiedler (6804638) teaches retrieving uncompressed

formatted signals after storage, storing the compressed signal in different parts of the

memory device (including a computer readable disc), retrieval and compression

occurring one set at a time, and making available future memory space (as compression

and storing the uncompressed/compressed signals, separately (Fig. 2), col. 6 line 55 – col.

7 line 19; for the purpose of saving memory space → col. 7 lines 35-45).

As per claims 10,11, Fiedler (6804638) teaches storing the differently compressed

signals into different memory devices, including a hard disc (col. 3 lines 1-12).

As per claims 12,19,21,26, Fiedler (6804638) teaches the use of old and well

known compression algorithms (col. 7 lines 42-43, which would include the MP3

format).

As per claims 13,14, Fiedler (6804638) teaches the compressed stored signals as

audio signals (col. 4 lines 30-35).

As per claim 18, <u>Fiedler (6804638)</u> teaches retrieving stored signals for

compression after the storage of such uncompressed data (as retrieving the captured data

→ col. 7 lines 38-42).

As per claim 20, <u>Fiedler (6804638)</u> teaches retrieving and compression of sets of

signals one set at a time (as reserving memory to perform recording, storage, and

compression, one set at a time → col. 78 lines 10-22).

As per claim 22, <u>Fiedler (6804638)</u> teaches compression/decompression step

using a predetermined priority (as deferring storage (including compression) so as to

allow the user to cancel data capture → col. 7 lines 26-30).

As per claims 23-24, <u>Fiedler (6804638)</u> teaches recording (compression) occurs at

user's request, but cannot be performed during playback (decompression) →(col. 8 line

45 – col. 9 line 27).

As per claim 25, <u>Fiedler (6804638)</u> teaches playback (including retrieval) after

data capture (Fig. 6a-6b).

As per claim 27, <u>Fiedler (6804638)</u> teaches the uncompressed retrieval and

compression, of a set of signals, one set at a time (as alternating recording/playback --

this technique includes the compression of the stored uncompressed data → col. 6 lines

55-65).

System claims 28-34 are similar in scope to the method claims 17-22,

implemented on a processor (col. 4 lines 20-35; Fig. 1), and are rejected under the same

rationale.

As per claims 35-40, Fiedler (6804638) teaches acquisition buffers containing 1

node for silence, a second area for data, and a third area for a second node (Fig. 2)

wherein the nodes contain uncompressed info and the data section is in compressed

format (col. 5 lines 10-40).

As per claims 48-55,59,60, Fiedler (6804638) teaches bit allocation for

record/segment tracking (Fig. 4b, col. 4 line 45 – col. 5 line 9) for audio information (col.

4 lines 10-40), including title/user information (as identification information for content

and users involved → col. 12 lines 37-46).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.   Please see related art listed on the PTO-892 form.

4.   Any response to this action should be mailed to:

        Commissioner of Patents and Trademarks
        Washington, D.C. 20231
        or faxed to:
        (703) 872 9314,
        (for informal or draft communications, please label "PROPOSED" or
"DRAFT")
        Hand-delivered responses should be brought to Crystal Park II, 2121
        Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

5.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Michael Opsasnick, telephone number (571)272-7623,
who is available Tuesday-Thursday, 9am-4pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
acting supervisor, Mr. David Ometz, can be reached at (571)272-7593. The facsimile
phone number for this group is (571)272-7629.

        Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Group 2600 receptionist whose telephone number is
(703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

        Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR. Status
information for unpublished applications is available through Private PAIR only. For
more information about the PAIR system, see http://pair-direct.uspto.gov. Should you
have questions on access to the Private PAIR system, contact the Electronic Business
Center (EBC) at 866-217-9197 (toll-free).

mno
4/4/05

VIJAY CHAWAN
PRIMARY EXAMINER